



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

July 14, 2017

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Nelson D. Blinn, President
Coppola, Inc.
21 S. Central Street
Haverhill, MA 01835

Re: Notice of Violation – Clean Air Act

Dear Mr. Blinn:

The United States Environmental Protection Agency ("EPA"), Region 1, is issuing the enclosed Notice of Violation to Coppola, Inc. ("Coppola") pursuant to Section 113 of the Clean Air Act ("CAA"), 42 U.S.C. § 7413. This action arises because EPA has found that Coppola is not complying with motor vehicle Idling limits contained in the federally-enforceable Massachusetts state implementation plan. The Massachusetts idling regulation limits engine idling to no more than five minutes with few exceptions. An EPA inspector has observed school buses owned or operated by Coppola idling excessively at a school bus lot in Haverhill, Massachusetts.

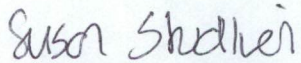
It is important that Coppola take immediate steps to ensure that its school buses comply with the regulations. Idling diesel engines emit pollutants which can cause or aggravate a variety of health problems including asthma and other respiratory diseases, and the fine particles in diesel exhaust are a likely human carcinogen. Diesel exhaust not only contributes to area-wide air quality problems, but more direct exposure can cause lightheadedness, nausea, sore throat, coughing, and other symptoms. Drivers, passengers, facility workers, and bystanders are all vulnerable.

In connection with this, I have enclosed with this letter the May 2015, *U.S. EPA Small Business Resource Information Sheet*. The Information Sheet is designed to help small businesses understand and comply with federal and state environmental laws.

Coppola, Inc.
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If Coppola would like to schedule a conference to discuss the Notice of Violation, please contact Abdi Mohamoud, at 617.918.1858, or have your legal counsel contact Tim Conway, at 617.918.1705, within fourteen days of your receipt of this letter.

Sincerely,

A handwritten signature in purple ink that reads "Susan Studlien".

Susan Studlien, Director

Office of Environmental Stewardship

cc:

Ed Pawlowski, MassDEP, NERO

Julie Ross, MassDEP, Boston

Enclosures

IN THE MATTER OF:	NOTICE OF VIOLATION
Coppola, Inc.	Proceeding under Section 113
21 S. Central St.	of the Clean Air Act
Haverhill, MA 01835	

1. The United States Environmental Protection Agency (“EPA”) issues this Notice of Violation (“NOV”) to Coppola, Inc. (“Coppola”) under Section 113(a)(1) of the Clean Air Act (the “Act”), 42 U.S.C. § 7413(a)(1).
2. Section 113(a)(1) of the Act provides that whenever EPA finds that any person has violated or is in violation of any requirement or prohibition of an applicable state implementation plan or permit, EPA shall notify the person of such finding. This NOV describes EPA’s findings that Coppola has failed to comply with federally-enforceable motor vehicle idling limits contained in the Massachusetts state implementation plan (“SIP”).
3. The Commonwealth of Massachusetts has adopted a SIP within the meaning of Section 113(a)(1) of the Act, which has been approved by EPA under Section 110 of the Act, 42 U.S.C. § 7410.
4. The Massachusetts SIP includes the regulation at 310 CMR § 7.11(1)(b), which provides that no person shall cause, suffer, allow, or permit the unnecessary operation of the engine of a

motor vehicle while such vehicle is stopped for a foreseeable period of time in excess of five minutes, unless such operation is in accordance with a listed exception.

FACTUAL BASIS

5. Coppola owns and operates fleets of school buses maintained in Haverhill, Massachusetts.
6. In February and March 2017, EPA conducted unannounced observations of Coppola's school buses in Haverhill, Massachusetts. See Table 1 for a list of specific observations.

FINDINGS

7. Based on EPA's observations of Coppola's school buses in Haverhill, Massachusetts EPA has determined that Coppola has caused, suffered, allowed, or permitted the idling of motor vehicles in excess of the five minutes allowed by 310 CMR § 7.11(1)(b).
8. Accordingly, EPA finds that Coppola violated the Massachusetts anti-idling regulation found at 310 CMR § 7.11(1)(b).

ENFORCEMENT

9. At any time, EPA may take any or all of the following actions in accordance with the provisions of Section 113 of the Act: (a) issue an order requiring compliance with the Act; (b) issue an administrative penalty order; or (c) bring a civil action in federal district court for an injunction and/or monetary penalties. See Sections 113(a), (b) and (d) of the Act, 42 U.S.C. §§ 7413(a), (b) and (d), 40 C.F.R. Part 19.4. The Civil Monetary Penalty Inflation Adjustment Rule, 82 Fed. Reg. 3633 (January 12, 2017) increases Clean Air Act administrative penalties from \$25,000 to \$45,268 per day, per violation, effective on or after January 15, 2017.
10. If Coppola has knowingly violated the requirements of the Act, Coppola and its responsible corporate officers may be subject to criminal penalties under Title 18 of the United

States Code, imprisonment for not more than five years, or both. See Section 113(c) of the Act, 42 U.S.C. § 7413(c).

11. Be advised that the issuance of this NOV does not preclude EPA from electing to pursue any other remedies or sanctions authorized by law that are available to address the violations alleged above.

OPPORTUNITY TO CONFER

12. Coppola may confer with EPA concerning this NOV and the findings upon which it is based. To schedule a conference, please contact Abdi Mohamoud, Environmental Engineer, at (617) 918-1858, or have your legal counsel contact Tim Conway, Senior Enforcement Counsel, at (617) 918-1705 within fourteen (14) days of the date of issuance of this NOV. Coppola may choose to be represented by counsel at the conference.

EFFECTIVE DATE

13. This NOV shall become effective 30 days after its issuance by EPA. This NOV applies to Coppola, its officers, agents, servants, employees, successors, and assigns, and to all persons, firms, and corporations acting under, through, or for Coppola. This NOV is not subject to Office of Management and Budget review under the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

SO ISSUED:

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship

07/13/2017
Date

Table 1
Coppola, Inc.
EPA Observations of Idling Buses

Date	Vehicle Number	License Plate	Idling Start	Idling End	Duration of Idling (Hours/Minutes)
2/28/17	136	20722	5:36 AM	6:30 AM	0:54
2/28/17	133	39740	5:36 AM	6:43 AM	1:07
2/28/17	107	26597	5:26 AM	5:34 AM	0:08
2/28/17	137	20721	5:26 AM	5:32 AM	0:06
2/28/17	128	NA	5:36 AM	6:15 AM	0:39
2/28/17	103	NA	6:00 AM	6:23 AM	0:23
2/28/17	142	NA	6:00 AM	6:24 AM	0:24
2/28/17	121	39744	6:10 AM	6:44 AM	0:34
2/28/17	147	38841	6:00 AM	6:22 AM	0:22
2/28/17	108	1630			0:00
2/28/17	139	39742	6:00 AM	6:47 AM	0:47
2/28/17	104	21620	6:00 AM	6:34 AM	0:34
2/28/17	106	11022			0:00
2/28/17	109	37342	6:00 AM	6:23 AM	0:23
2/28/17	122	138	6:26 AM	6:50 AM	0:24
2/28/17	110	2608	6:22 AM	6:50 AM	0:28
3/29/17	133	39740	5:30 AM	5:40 AM	0:10
3/29/17	137	20721	5:30 AM	5:44 AM	0:14
3/29/17	138	39739	5:30 AM	5:51 AM	0:21
3/29/17	122	138	5:30 AM	5:42 AM	0:12
3/29/17	143	N/A	5:30 AM	5:43 AM	0:13
3/29/17	147	38841	5:31 AM	5:32 AM	0:01
3/29/17	107	26597	5:32 AM	5:35 AM	0:03
3/29/17	142	37344	5:35 AM	5:48 AM	0:13
3/29/17	103	20339	5:37 AM	6:23 AM	0:46
3/29/17	105	N/A	5:40 AM	5:57 AM	0:17
3/29/17	130	N/A	5:45 AM	6:00 AM	0:15
3/29/17	142	37344	6:10 AM	6:21 AM	0:11
3/29/17	114	N/A	6:10 AM	6:28 AM	0:18
3/29/17	106	11022	6:10 AM	6:30 AM	0:20
3/29/17	28	2607	6:05 AM	6:25 AM	0:20
3/29/17	109	37342	6:27 AM	6:28 AM	0:01
3/29/17	124	136	6:30 AM	6:49 AM	0:19
3/29/17	104	21620	6:30 AM	6:50 AM	0:20



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.